

81 adhesive substance in contact therewith, tends to cause the first and second end regions to separate from one another after being urged toward one another to give the truss member a tendency to return to its initial state when flexed to thereby act to stabilize the outer wall tissue and so prevent the outer wall tissue of the first and second nasal passages from drawing in during breathing while allowing the truss member to conform to the outer wall tissue of the nasal passages of a user's nose, the truss member including an adhesive void and configured to extend about a user's nose such that the intermediate segment traverses an exterior region of the bridge of a nose with the adhesive void located between the truss member and the bridge.

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REMARKS

This communication is in response to the Action of June 25, 1999. In that Action, claims 2 through 7, 16, 21, 23 through 34, and 36 through 48 were rejected while claim 35 was objected to as depending on a rejected claim.

The applicant has amended claim 3 for purposes of clarification thereof.

The Examiner first rejects claims 2, 6, 23, 27 and 47 under 35 U.S.C. 112 on the grounds that one skilled in the art is not enabled by the specification to make and use the invention coming within the scope of these claims because of the usage therein in various ones of them of the phrases "... adapted to engage ..." and "... capable of engaging ..." involving the engagement means. The Examiner first finds that these phrases are not supported by the specification even though the original claims, as part of the original disclosure, use the phrase "adapted to engage" therein. In particular, the Examiner states that these phrases are not supported by the specification because they do not positively define the dilator to be physically engaged with a user's nasal outer wall tissues.

Although the applicant readily concedes that the dilators of the present invention are for use in circumstances involving being mounted on the outer wall tissues of users' noses, the rejected claims are not method claims requiring the invention to interact with the user's nose. Rather, they are